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EXAMINER: Not yet assigned

FROM: Margaret Efron

COMPANY: U.S. Patent Office
Art Unit 1645

DATE: January 26, 2006

FAX NO.: (571) 273-8300

NO. OF PAGES
(INCLUDING COVER SHEET): 18

SUBJECT/MESSAGE:

Re: Serial No. 10/535,585; filed May 18, 2005
Docket No. SPO-121

- 1) Request for Correction of Filing Receipt and Request for Correction of Notice of Acceptance (3 pages);
- 2) Marked-up copy of corrected Filing Receipt (3 pages);
- 3) Marked-up copy of Notice of Acceptance (2 pages)
- 4) Copy of executed Declaration and Power of Attorney (3 pages); and
- 5) Copy of Preliminary Amendment (6 pages).

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I hereby certify that this correspondence is being
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January 26, 2006

David Salwanchik
David R. Salwanchik, Patent Attorney

Patent Application
Docket No. SPO-121
Serial No. 10/535,585
Conf. No. 7558

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kisae Kume *et al.*
Serial No. : 10/535,585
Filed : May 18, 2005
Art Unit. : 1645
For : Nutritional Compositions

Office of Initial Patent Examination's Filing Receipt Corrections
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTION OF FILING RECEIPT &
REQUEST FOR CORRECTION OF NOTICE OF ACCEPTANCE

Sir:

The applicants respectfully request the correction of errors in the Official Filing Receipt and Notice of Acceptance for the above-identified patent application. The corrections needed are as follows:

Foreign Applications

JAPAN 2002-339948 11/21/2003

Should read

JAPAN 2002-339948 11/22/2002

JASPOV21WPFOven correct-of-nea doc/DNL/Ls

Docket No. SPO-121
Serial No. 10/535,585

IND CLMS

2

Should read

IND CLMS

3

Please note that claims 1, 9 and 17 are independent claims. The claims pending in the subject application are the claims listed in the Preliminary Amendment that was submitted with the subject application for filing on May 18, 2005.

The Notice of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495 indicates that the U.S. Receiving Office received Biochemical Sequence Listing filed on May 18, 2005. Applicants note that the subject application does not include a sequence listing and that no sequence listing was filed with the subject application. Applicants respectfully request a corrected Notice of Acceptance of Application indicating no sequence listing.

The applicants are attaching herewith copies of the executed Declaration and Power of Attorney form as well as a copy of the Preliminary Amendment. Also marked-up copies of the Official Filing Receipt and Notice of Acceptance that indicate the corrections needed accompanies this Request. Correction of the above is respectfully requested.

J:\SPO\121\TOREQ-CORRECT-OFR-NOA.DOC\IND\1a

Docket No. SPO-121

Serial No. 10/535,585

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



David R. Saliwanchik

Patent Attorney

Registration No. 31,794

Phone No.: 352-375-8100

Address : P.O. Box 142950
Gainesville, FL 32614-2950

DRS/la

Attachments: Copy of marked-up version of Filing Receipt;
Copy of marked-up version of Notice of Acceptance of Application
Copy of executed Declaration; and
Copy of Preliminary Amendment

USPTO EPC CORRECT OFR NOA DOC/DNR/3

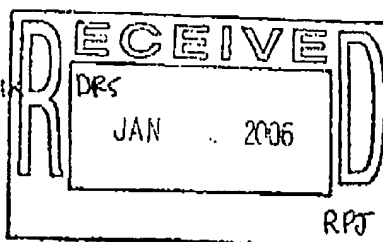


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPL. NO	FILING OR 371 (c) DATE	ART UNIT	FIL. FILE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/535,585	08/10/2005	1645	1030	SPO-121	9	17	23

23557
SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
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CONFIRMATION NO. 7558
CORRECTED FILING RECEIPT
OC000000017733590
OC000000017733590

Date Mailed: 12/28/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Hisao Kume, Kanagawa, JAPAN;
Makoto Yamaguchi, Kanagawa, JAPAN;
Kenji Mizumoto, Kanagawa, JAPAN;
Hajime Sasaki, Kanagawa, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 23557.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP03/14918 11/21/2003

Foreign Applications

27-
JAPAN 2002-339948 11/24/2002

If Required, Foreign Filing License Granted: 12/28/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/535,585**

Projected Publication Date: 04/06/2006

Non-Publication Request: No

Early Publication Request: No

Title

Nutritional compositions

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4458).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/535,585	Isaac Kume	SPO-121

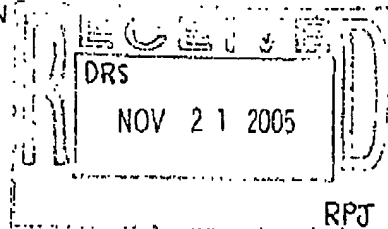
23557
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GAINESVILLE, FL 32614-2950

INTERNATIONAL APPLICATION NO.

PCT/JP03/14918

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

11/21/2003



CONFIRMATION NO. 7558

371 ACCEPTANCE LETTER



OC000000017267223

Date Mailed: 11/16/2005

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>08/10/2005</u>	<u>08/10/2005</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 05/18/2005
- Copy of the International Search Report filed on 05/18/2005
- Copy of IPE Report filed on 05/18/2005
- Preliminary Amendments filed on 05/18/2005
- Oath or Declaration filed on 08/10/2005
- Biochemical Sequence Listing filed on 05/18/2005
- Request for Immediate Examination filed on 05/18/2005
- Copy of references cited in ISR filed on 05/18/2005
- U.S. Basic National Fees filed on 05/18/2005
- Priority Documents filed on 05/18/2005

NO sequence listing

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

Docket No. SPO-121

DECLARATION (37 C.F.R. § 1.63) AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name; and

I believe that I am the original, first, and sole inventor (if only one name is listed below), or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Nutritional Compositions**, specification for which

☐ is attached hereto.

☒ was filed November 21, 2003, International Application No. PCT/JP2003/014918.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

I hereby claim foreign priority benefits under Title 35, United States Code §119 and/or §365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Application Serial No.	Country	Filing Date	Priority Claimed
2002-339948	JP	November 22, 2002	Yes

I hereby claim priority benefits under Title 35, United States Code §119 of any provisional application(s) for patent listed below:

Application Serial No.	Filing Date	Priority Claimed
---------------------------	-------------	------------------

I hereby claim the benefit under Title 35, United States Code, §120 and/or §365 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (Patented, Pending, Abandoned)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following persons registered to practice before the Patent and Trademark Office as my attorneys with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith who are associated with Customer Number 23557.

Docket No. SPO-121

The attorneys/patent agents currently associated with this Customer Number are: David R. Saliwanchik, Reg. No. 31,794; Jeff Lloyd, Reg. No. 35,589; Doran R. Pace, Reg. No. 38,261; Jay M. Sanders, Reg. No. 39,355; Jean Kyle, Reg. No. 36,987; James S. Parker, Reg. No. 40,119; Frank C. Eisenschenk, Reg. No. 45,332; Glenn P. Ladwig, Reg. No. 46,853; Margaret Efron, Reg. No. 47,545; Gwendolyn L. Daniels, Reg. No. 51,594; John M. Sanders, Reg. No. 30,126; Jenna M. Morrison, Reg. No. 55,468; and Mai-Tram Dinh Laur, Reg. No. 43,589.

I request that all correspondence be sent to:

David R. Saliwanchik
Saliwanchik, Lloyd & Saliwanchik
A Professional Association
PO Box 142950
Gainesville, FL 32614-2950

I further request that all telephone communications be directed to:

David R. Saliwanchik
352-375-8100

Docket No. SPO-121

Name of First or Sole Inventor Hisae Kume
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Hisae Kume Date June 27, 2005
Signature of First or Sole Inventor

Name of Second Joint Inventor Makoto Yamaguchi
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Makoto Yamaguchi Date June 27, 2005
Signature of Second Joint Inventor

Name of Third Joint Inventor Kenji Mizumoto
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540, Naruda, Odawara-shi, Kanagawa 250-0862 Japan
Kenji Mizumoto Date June 27, 2005
Signature of Third Joint Inventor

Name of Fourth Joint Inventor Hajime Sasaki
Residence Kanagawa, Japan Citizenship Japan
Post Office Address c/o NUTRITION SCIENCE INSTITUTE,
MEIJI DAIRIES CORPORATION,
540, Naruda, Odawara-shi, Kanagawa 250-0862 Japan
Hajime Sasaki Date June 27, 2005
Signature of Fourth Joint Inventor

May 18, 2005

Patent Application
Preliminary Amendment
Docket No. SPO-121

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 26 2006

Applicant(s) : Hisae Kume; Makoto Yamaguchi; Kenji Mizumoto; Hajime Sasaki
Docket No. : SPO-121
For : Nutritional Compositions

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

This application is a National Stage Application of International Application Number PCT/JP2003/014918. Please amend the above-identified patent application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims beginning on page 3 of this paper.

Remarks follow the amendment sections of this paper.

In the Specification

Please add the following paragraph at page 1, above line 2 after the Title:

This application is a National Stage Application of International Application Number PCT/JP2003/014918, filed November 21, 2003; which claims priority to Japanese Application No. 2002-339948, filed November 22, 2002.

In the claims

The following amendments are made with respect to the claims in the International application PCT/JP2003/014918.

This listing of claims will replace all prior versions and listings of claims in this application.

Claims

1 (Original). A nutritional composition for liver disease patients comprising: a milk protein hydrolysate and a protein derived from fermented milk as proteins; a high oleic acid-containing oil and milk lecithin and/or soybean lecithin as lipids; and palatinose as a carbohydrate.

2 (Original). The nutritional composition according to claim 1, wherein said milk protein is selected from the group consisting of casein, a milk protein concentrate (MPC), a whey protein concentrate (WPC), a whey protein isolate (WPI), α -lactalbumin, β -lactoglobulin, and lactoferrin.

3 (Original). The nutritional composition according to claim 1, wherein said fermented milk-derived protein is from a composition in which the whey in fermented milk has been reduced.

4 (Original). The nutritional composition according to claim 1, wherein said fermented milk-derived protein is from fresh cheese.

5 (Original). The nutritional composition according to claim 4, wherein said fresh cheese is quark.

6 (Original). The nutritional composition according to claim 1, wherein said milk protein hydrolysate may be obtained by hydrolyzing a whey protein isolate (WPI) with alkalase from *Bacillus licheniformis*, and trypsin from a porcine pancreas.

7 (Original). The nutritional composition according to claim 6, which is a permeate obtained by further treatment with an ultrafiltration membrane having a fractionation molecular weight of 10,000.

8 (Original). The nutritional composition according to claim 7, wherein the chromatogram from reverse phase HPLC separation is shown in Fig. 1.

9 (Original). A nutritional composition for patients under high levels of invasive stress, wherein said nutritional composition comprises: a milk protein hydrolysate and a protein derived from fermented milk as proteins; a high oleic acid-containing oil and milk lecithin and/or soybean lecithin as lipids; and palatinose as a carbohydrate.

10 (Original). The nutritional composition according to claim 9, wherein said milk protein is selected from the group consisting of casein, a milk protein concentrate (MPC), a whey protein concentrate (WPC), a whey protein isolate (WPI), α -lactalbumin, β -lactoglobulin, and lactoferrin.

11 (Original). The nutritional composition according to claim 9, wherein said fermented milk-derived protein is from a composition in which the whey in the fermented milk has been reduced.

12 (Original). The nutritional composition according to claim 9, wherein said fermented milk-derived protein is from fresh cheese.

13 (Original). The nutritional composition according to claim 12, wherein said fresh cheese is quark.

14 (Original). The nutritional composition according to claim 9, wherein said milk protein hydrolysate may be obtained by hydrolyzing a whey protein isolate (WPI) with alkalase derived from *Bacillus licheniformis*, and trypsin from a porcine pancreas.

15 (Original). The nutritional composition according to claim 14, which is a permeate obtained by further treatment with an ultrafiltration membrane having a fractionation molecular weight of 10,000.

16 (Original). The nutritional composition according to claim 15, wherein the chromatogram from reverse phase HPLC separation is shown in Fig. 1.

17 (New). A method for providing nutrition to a patient having liver disease and/or a high level of invasive stress, wherein said method comprises administering, to such a patient, a nutritional composition that comprises:

a milk protein hydrolysate and a protein derived from fermented milk as proteins; a high oleic acid-containing oil and milk lecithin and/or soybean lecithin as lipids; and palatinose as a carbohydrate.

6

Docket No. SPO-121

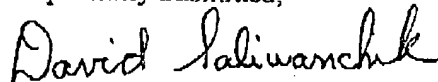
Remarks

This application is a National Stage Application of International Application Number PCT/JP2003/014918. By this amendment, the subject specification has been amended to include a cross-reference to a related application section.

Claims 1-16 were pending in the international patent application. By this Amendment, the applicants have added new claim 17. Accordingly, claims 1-17 are pending in the subject application. No new matter has been added by this Amendment.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§§1.16, 1.17, or 1.492 as required by this paper to Deposit Account No. 19-0065.

Respectfully Submitted,



David R. Saliwanchik

Patent Attorney

Registration No. 31,794

Phone No.: 352-375-8100

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DRS/hcy